



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30335-0300
TEL (404) 330-6100

March 26, 2002

RECEIVED

MAR 26 2002

MUNICIPAL CLERK

Council President Cathy Woolard
Members of the Atlanta City Council
City Hall 2nd Floor Suite 2900
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear President Woolard and Members of Council:

On March 18, 2002 the Atlanta City Council adopted Ordinance # **02-O-0468** that proposes to require the sunset of all resolutions and ordinances authorizing contracts, contract renewals, and notices to proceed on the 91st day after the date of approval.

The Law Department has advised me that Ordinance # **02-O-0468** as adopted, may create major legal difficulties for the City of Atlanta. A selected/notified contractor may have strong legal recourse against the City if the unexecuted contract is voided on the 91st day after approval.

Ordinance # **02-O-0469**, as adopted, proposes to require the Purchasing Agent to develop a complete list of all contracts that have expired, no later than 90 days from date of approval. Furthermore, Section 3 in this legislation indicates that all contracts expired more than 60 calendar days from the approval of # **02-O-0469** shall be re-bid.

While the timetables required by these ordinances are unattainable at this time, I will provide the City Council with a list of expired contracts, by departments, along with a corrective action plan By May 1, 2002. Forcing immediate implementation may interrupt vital services to the public.

I urge you to award the contract (Resolution #02-R-0498) to Thompson, Cobb, Bazilio & Associates for the purpose of conducting a thorough review and redesign of the entire procurement process and to guide us forward in a comprehensive manner.

Based on these factors, and my commitment to work with the City Council to redesign government operations, specifically the procurement process, I urge you to sustain my vetoes of Ordinances # 02-O-0468 and # 02-O-0469.

Sincerely,

A handwritten signature in black ink, appearing to read "Shirley Franklin". The signature is fluid and cursive, with a large initial "S" and a long, sweeping underline.

Shirley Franklin



CITY COUNCIL
ATLANTA, GEORGIA

02-O-0469

**AN ORDINANCE BY
COUNCILMEMBERS FELICIA A. MOORE AND H. LAMAR WILLIS**

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE REQUESTING THE PURCHASING AGENT TO PROVIDE A COMPLETE LIST OF ALL EXPIRED CONTRACTS WITH THE CITY WITHIN 90 DAYS OF THE APPROVAL OF THIS ORDINANCE; AUTHORIZING THE EXTENSION OF CONTRACTS EXPIRED LESS THAN 60 DAYS; REQUIRING THE RE-BID OF CONTRACTS EXPIRED MORE THAN 60 DAYS; PROVIDING FOR A WAIVER OF RE-BID REQUIREMENT; ESTABLISHING A SUNSET PROVISION FOR THIS ORDINANCE, AND FOR OTHER PURPOSES.

Whereas, it has been a practice of the city to allow contracts to continue performing past their date of expiration and renewal, and

Whereas, the city currently has numerous contracts that have expired or passed their date of renewal, without being re-bid or receiving the required authorization of the Atlanta City Council; and

Whereas, this practice hampers the Council oversight and ability to track authorizing and renewal of contracts; and

Whereas, The Council is hereby establishing policy to provide for the review of expired contracts, to determine if authorization shall be granted to renew, extend, re-bid or terminate said contracts.

THEREFORE, IT IS HEREBY ORDAINED BY THE ATLANTA CITY COUNCIL THAT:

Section 1.

- a.) The Purchasing Agent shall develop a complete list, categorized by department and funding source, of all contracts with the city that have expired. The complete list shall be submitted to the Finance/Executive Committee and the Council, no later than 90 calendar days from date of the approval of this ordinance.
- b.) In addition to the complete list, each relevant council committee shall be provided an additional list detailing the expired contracts of departments under its preview.



- c.) The lists shall consist of all expired city contracts within all funds, including Hartsfield Atlanta International Airport, that are being performed as of the date of the approval of this ordinance. This shall include, but not be limited to contracts that have expired, require Council authorization for renewal, or have expired and exhausted all authorized renewals.

Section 2.

At the request of the user department, a 90-day extension may be granted by the purchasing agent, for contracts expired less than 60 calendar days from the approval of this ordinance. The Council may, by resolution, authorize further extensions, as appropriate.

Section 3.

All contracts expired more than 60 calendar days from the approval of this ordinance shall be re-bid. The Council, by resolution, may authorize the appropriate time necessary to allow an expired contract to continue to be performed until the competitive process has taken place and a new contract has been awarded.

Section 4.

The Purchasing Agent, at the request of the user department, may request a waiver of Section 3 of this Ordinance. The user department and the Purchasing Agent shall submit to the Council, justification of its request for a waiver. The Council may authorize said waiver, by ordinance, on a case-by-case basis.

Section 5.

This ordinance shall remain in effect, until all contracts expired on or before approval of this ordinance, are renewed, extended, re-bid or terminated.

RCS# 3634
4/01/02
2:30 PM

Atlanta City Council

Regular Session

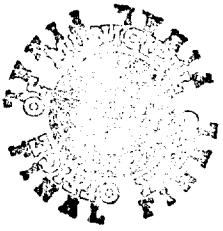
02-O-0469

Provide listing of all expired
contracts within 90 days, etc.
OVERRIDE VETO

YEAS: 6
NAYS: 9
ABSTENTIONS: 0
NOT VOTING: 0
EXCUSED: 0
ABSENT 1

N Smith	N Archibong	Y Moore	Y Mitchell
N Starnes	N Fauver	N Martin	Y Norwood
N Young	Y Shook	N Maddox	Y Willis
N Winslow	Y Muller	N Boazman	B Woolard

02-O-0469



02-O-0469

**AN ORDINANCE BY
COUNCILMEMBERS FELICIA A. MOORE AND H. LAMAR WILLIS**

AS SUBSTITUTED BY FINANCE/EXECUTIVE COMMITTEE

AN ORDINANCE REQUESTING THE PURCHASING AGENT TO PROVIDE A COMPLETE LIST OF ALL EXPIRED CONTRACTS WITH THE CITY WITHIN 90 DAYS OF THE APPROVAL OF THIS ORDINANCE; AUTHORIZING THE EXTENSION OF CONTRACTS EXPIRED LESS THAN 60 DAYS; REQUIRING THE RE-BID OF CONTRACTS EXPIRED MORE THAN 60 DAYS; PROVIDING FOR A WAIVER OF RE-BID REQUIREMENT; ESTABLISHING A SUNSET PROVISION FOR THIS ORDINANCE, AND FOR OTHER PURPOSES.

Whereas, it has been a practice of the city to allow contracts to continue performing past their date of expiration and renewal, and

Whereas, the city currently has numerous contracts that have expired or passed their date of renewal, without being re-bid or receiving the required authorization of the Atlanta City Council; and

Whereas, this practice hampers the Council oversight and ability to track authorizing and renewal of contracts; and

Whereas, The Council is hereby establishing policy to provide for the review of expired contracts, to determine if authorization shall be granted to renew, extend, re-bid or terminate said contracts.

THEREFORE, IT IS HEREBY ORDAINED BY THE ATLANTA CITY COUNCIL THAT:

Section 1.

- a.) The Purchasing Agent shall develop a complete list, categorized by department and funding source, of all contracts with the city that have expired. The complete list shall be submitted to the Finance/Executive Committee and the Council, no later than 90 calendar days from date of the approval of this ordinance.
- b.) In addition to the complete list, each relevant council committee shall be provided an additional list detailing the expired contracts of departments under its preview.



- c.) The lists shall consist of all expired city contracts within all funds, including Hartsfield Atlanta International Airport, that are being performed as of the date of the approval of this ordinance. This shall include, but not be limited to contracts that have expired, require Council authorization for renewal, or have expired and exhausted all authorized renewals.

Section 2.

At the request of the user department, a 90-day extension may be granted by the purchasing agent, for contracts expired less than 60 calendar days from the approval of this ordinance. The Council may, by resolution, authorize further extensions, as appropriate.

Section 3.

All contracts expired more than 60 calendar days from the approval of this ordinance shall be re-bid. The Council, by resolution, may authorize the appropriate time necessary to allow an expired contract to continue to be performed until the competitive process has taken place and a new contract has been awarded.

Section 4.

The Purchasing Agent, at the request of the user department, may request a waiver of Section 3 of this Ordinance. The user department and the Purchasing Agent shall submit to the Council, justification of its request for a waiver. The Council may authorize said waiver, by ordinance, on a case-by-case basis.

Section 5.

This ordinance shall remain in effect, until all contracts expired on or before approval of this ordinance, are renewed, extended, re-bid or terminated.

RCS# 3628
3/18/02
3:49 PM

Atlanta City Council

Regular Session

CONSENT I Pgs 1-13; Except 02-O-0167; 02-O-0458

ADOPT

YEAS: 11
NAYS: 1
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	NV Mitchell
Y Starnes	Y Fauver	B Martin	Y Norwood
NV Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	N Boazman	NV Woolard

CORRECTED COPY

CONSENT I

02-0 -0469

(Do Not Write Above This Line)

AN ORDINANCE BY

COUNCILMEMBERS FELICIA A. MOORE

AND H. LAMAR WILLIS

AN ORDINANCE REQUESTING THE PURCHASING AGENT TO PROVIDE A COMPLETE LIST OF ALL EXPIRED CONTRACTS WITH THE CITY WITHIN 30 DAYS OF THE ADOPTION OF THIS ORDINANCE; AUTHORIZING THE EXTENSION OF CONTRACTS EXPIRED LESS THAN 60 DAYS; REQUIRING THE RE-BID OF CONTRACTS EXPIRED MORE THAN 60 DAYS; PROVIDING FOR A WAIVER OF RE-BID REQUIREMENT; ESTABLISHING A SUNSET PROVISION FOR THIS ORDINANCE, AND FOR OTHER PURPOSES. *Overide Failed 9/6*

ADOPTED BY

SUBSTITUTE

MAR 18 2002

- ☐ CONSENT REFER
☐ REGULAR REPORT REFER
☐ ADVERTISE & REFER
☐ 1st ADOPT 2nd READ & REFER
☒ PERSONAL PAPER REFER

Date Referred

3/4/02

Referred To:

Finance Executive

Date Referred

Referred To:

FILED BY
CITY COUNCIL

Date Referred

APR 01 2002

Referred To:

First Reading

Committee

Date

Chair

Referred to

FIN 3400

Date

3-13-02

Chair

[Signature]

Action:

Fav, Adv, Hold (see rev. side)

Other:

AS Substituted

Members

*[Signature]**[Signature]**[Signature]*

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

Committee

Date

Chair

Action:

Fav, Adv, Hold (see rev. side)

Other:

Members

Refer To

FINAL COUNCIL ACTION

☐ 2nd☐ 1st & 2nd☐ 3rd

Readings

☐ Consent☐ V Vote☒ RC Vote

CERTIFIED

CERTIFIED

MAR 18 2002

APR 01 2002

ATLANTA CITY COUNCIL PRESIDENT

[Signature]

CERTIFIED

MAR 18 2002

APR 01 2002

MUNICIPAL CLERK

[Signature]

MAYOR'S ACTION

VETO

[Signature]